IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.847 OF 2005

Asha T. Matani ..Petitioner.

Vs.

The Chairman/Secretary
Sanskar Vikar Society & Ors. ..Respondents.

....

Mr.S.J.Panicker with Mrs.Payal Fernandes for the Petitioner.

Mrs.S.M.Dandekar, AGP for the State - Respondent No.6.

....

CORAM : DR.D.Y.CHANDRACHUD, J.

4th April, 2005.

P.C. :

The appointment of the Fifth Respondent as a Head Mistress in June 1994 was challenged by the Petitioner nearly five years thereafter on 17th May, 1999. Though the delay was condoned, the question as to whether substantive relief should be

granted after a lapse of such a considerable degree of time is a separate matter. Be that as it may, the Tribunal has held that the First Respondent is an institution established and administered by a minority. From the communication of the Deputy Director of Education dated 28th July, 1994 (page 112 of the paperbook), it is clear that the department had taken on the record the name of the Fifth Respondent under Section 3(2) of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 as one of the employees to whom the provisions of the Act will not stand attracted. That being the position, the Tribunal was justified in holding that there is no merit in the appeal. The order of the Tribunal does not call for interference under Article 226. The Petition is accordingly rejected.